REMARKS

The Office Action mailed May 21, 2009 has been reviewed and carefully considered. No new matter has been added.

New Claims 19-20 have been added. Claims 1-20 are pending.

Claims 1-18 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2004/0203873 to Gray (hereinafter "Gray"). The rejections are respectfully traversed.

It is to be noted that the independent claims in the case are Claims 1, 7, and 13.

It is respectfully asserted that Gray does not teach or suggest "transmitting a request to a wireless service provider of a wireless network for a location of a wireless local area network (WLAN)", as recited in Claim 1.

Moreover, it is respectfully asserted that Gray does not teach or suggest "a controller for processing a request over said wireless network for a location of a wireless local area network WLAN and processing receiving over said wireless network said location of said wireless local area network WLAN" as recited in Claim 7.

Further, it is respectfully asserted that Gray does not teach or suggest "a mobile device for sending a request from said wireless service area across said wireless network for a location of a wireless local area network WLAN" as recited in Claim 13.

With respect to the above reproduced limitations of Claims 1, 7, and 13 relating to a request for a location of a wireless local area network (WLAN), the Examiner has cited the following portions of Gray: figure 5, reference steps 1-3; page 4, paragraph [0035], lines 2-4; and paragraph [0036], lines 2-4. The Applicants respectfully disagree with the Examiner's reading of Gray.

With respect to figure 5, steps 1-3 are described at paragraphs [0034], [0035], and [0036] of Gray. Hence, essentially paragraphs [0034], [0035], and [0036] have been cited against the above reproduced limitations of Claims 1, 7, and 13.

Steps 1 and 2 are explicitly disclosed at paragraph [0034] of Gray as follows:

> In step 1, WAN user 52 receives a message from the WAN network provider or MSC 30 (FIG. 3) that there is an email with attachment. In step 2, the network provider offers WAN user 52 the option of purchasing sufficient WLAN bandwidth from nearby WLAN access point 24 to perform a task,

such as downloading e-mail attachment, sending email with attachment, sending video email, browsing the Internet, downloading web page or file from a web site and the like, using high speed WLAN network 20, such as the Internet 20.

Step 3 of figure 5 of Gray is disclosed at paragraph [0036], lines 1-4 as follows: "If WAN user 52 elects to utilize the WLAN bandwidth on demand service, then the network provider receives an offer acceptance message from WAN user 52 and determines the current position of WAN user 52 in step 3."

Hence, step 1 of figure 5 of Gray involves a WAN user 52 receiving a message from the WAN network provider or MSC, the message relating to an e-mail with an attachment. Step 2 of figure 5 of Gray relates the network provider offering the WAN user 52 the option of purchasing WLAN bandwidth from nearby WLAN access point 24. Step 3 of figure 5 of Gray involves the network provider receiving an offer acceptance message from the WAN user and determining the current position of the WAN user if the WAN user 52 elects to the use the WLAN bandwidth on demand service.

Thus, it is clear right at the onset that the cited portions of Gray, which relate to steps 1 through 3 of figure 5 of Gray, do not involve the location of a wireless local area network WLAN, but rather involve the location of the WAN user. However, the explicit limitations recited in Claims 1, 7, and 13 relate to a request for a location of a wireless local area network (WLAN), and not for the location of the WAN user as disclosed in the cited portions of Gray. Hence, the cited portions of Gray clearly do not teach or even remotely suggest the above reproduced limitations of Claims 1, 7, and 13.

Moreover, while non-cited paragraph [0037] of Gray, which relates to steps 4 and 5 of figure 5 of Gray, discloses that a WAN/WLAN position location server 50 searches WLAN position database 54 for WLAN access points 24 that can service WAN user 52 in his/her current position in step 5, such searching is done responsive to the network provider transmitting the position information of WAN user 52 to the WAN/WLAN position location server 50 (see, e.g., Gray, para. [0037]), and not based upon a request for a location of a wireless local area network (WLAN) as recited in Claims 1, 7, and 13. That is, the WAN/WLAN position location server 50 disclosed in Gray automatically determines the locations of WLAN access points 24 **on its own initiative** upon receiving position

information of WAN user 52 from the network provider, and not based upon a request for a location of a wireless local area network WLAN as recited in Claims 1, 7, and 13.

Thus, it is clear that none of the preceding cited steps 1-5 of Gray involve "a request for a location of a wireless local area network" as explicitly recited in each of independent Claims 1, 7, and 13, but rather involve an offer to purchase WLAN bandwidth, the automatic determination of the location (without a request for such location) of the WAN user 52, and the automatic determination of the location (without a request for such location) of WLAN access points 24. The location of the WAN user 52 is automatically determined by the network provider if the WAN user 52 accepts the offer, and the locations of the WLAN access points 24 are automatically determined by the WAN/WLAN position location server 50 when the network provider transmits the position information of the WAN user 52 to the WAN/WLAN position location server 50. Hence, it is not surprising that Gray does not disclose "a request for a location of a wireless local area network" since Gray has no need for the same, given his different approach than that of the subject matters of Claims 1, 7, and 13. That is, while the subject matters of each of Claims 1, 7, and 13 involve an explicit request for a location of a WLAN, the approach of Gray involves an offer to purchase WLAN bandwidth where a location of WLAN access points are automatically determined based upon whether a network provider has transmitted position information of a WAN user 52 to a WAN/WLAN position location server 50, and not because of an explicit request for the location of the WLAN as explicitly recited in Claims 1, 7, and 13.

Lastly, it is to be noted that while paragraph [0035] of Gray discloses that "steps 1 and 2 can alternatively involve WAN user 52 requesting the WLAN bandwidth on demand service from its WAN network provider", such alternative approach simply removes the offer of step 1 as the user him or herself is "requesting the WLAN bandwidth on demand service", but does not change the automatic determination of location of the WAN user 52 or the automatic determination of the locations of WLAN access points 24, with such automatic determinations NOT based on a request for a location of a wireless local area network WLAN as explicitly recited in Claims 1, 7, and 13. Moreover, while paragraph [0035] does involve a "request", such request is clearly for a WLAN bandwidth on demand service and NOT a location of a WLAN as recited in Claims 1, 7, and 13. That is, requesting a service is not the same as requesting the location of a WLAN.

Hence, Gray fails to teach or suggest the above reproduced limitations of Claims 1, 7, and 13.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Thus, Claims 1, 7, and 13 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

Claims 2-6, 8-12, and 14-18 directly or indirectly depend from Claims 1, 7, and 13, respectively, and, thus, respectively include all the limitations of Claims 1, 7, and 13. Accordingly, Claims 2-6, 8-12, and 14-18 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to independent Claims 1, 7, and 13, respectively.

Accordingly, reconsideration of the rejections is respectfully requested.

Moreover, as noted above, new Claims 19 and 20 have been added. Support for Claim 19 may be found at least at page 6, lines 20-23, page 4, lines 2-5, and page 6, lines 3-6 of the Applicant's specification. Support for Claim 20 may be found at least at page 6, lines 1-3.

It is respectfully asserted that Gray does not teach or suggest "wherein the request includes a user-selected distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network WLAN", as recited in Claim 19. For example, since, as noted above, the invention of Gray automatically determines the current position of the LAN user upon a user accepting an offer to purchase WLAN bandwidth (see, e.g., Gray, paragraphs [0034], [0035], and [0036]) and automatically determines the locations of WLAN access points 24 upon a network provider transmitting the position information of WAN user 52 to a WAN/WLAN position location server 50 (see, e.g., Gray, paragraph [0037]), there is no reason for, nor any disclosure of, a request for a location of a WLAN in Gray, let alone that "the request includes a user-selected distance or distance range from a wireless service area of the wireless network to said location of said wireless local area network WLAN", as recited in Claim 19. Hence, Gray fails to disclose the preceding limitations of Claim 19.

It is to be appreciated that the subject matter of Claim 19 is quite useful and practical in actual implementations. For example, by using a **request** that includes a **user-selected**

distance or distance range from a wireless service area of the wireless network to a location of the wireless local area network (WLAN), a user may limit the number of (locations of) WLANs that are returned to the user in response to the request. That is, the user can limit the number of WLANs that are returned in response to the request to only those WLANs that are within the distance (or distance range) that the user is willing to travel to (with such user-selected distance or distance range being explicitly provided in the request). For example, a user may want to limit his/her travel distance to a WLAN, due to, for example, a limited amount of gas, a limited amount of time, and so forth. Hence, the use of the request that includes the user-selected distance or distance range allows the user to limit the amount of WLANs that are specified in return (thus saving the user time in having to review too many WLANS in order to make a decision, and further saving resources (e.g., bandwidth, memory, and so forth) by only sending the user information that is useful, i.e., that does not include WLANs that are too far and hence, that the user is unwilling to travel to).

Moreover, it is respectfully asserted that Gray does not teach or suggest "wherein the request for the location of the wireless local area network (WLAN) is transmitted by a mobile device", as recited in Claim 19. Rather, as noted above, Gray discloses that a WAN/WLAN position location server 50, **on its own initiative** upon receiving position information of WAN user 52 from the network provider, automatically determines locations of WLAN access points 24 (see, e.g., Gray, paragraph [0037]).

Hence, new Claims 19 and 20 are believed to be patentably distinct and non-obvious over Gray for at least the reasons set forth above. Moreover, Claims 19 and 20 depend from Claim 1 and, thus, include the limitations of Claim 1. Thus, Claims 19 and 20 are also patentably distinct and non-obvious over Gray for at least the reasons set forth above with respect to Claim 1.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of May 21, 2009 be withdrawn, that pending Claims 1-20 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no further additional fees or charges are currently due. However, in

the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicants' Deposit Account No.07-0832.

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